

Exhibit 1

Louis Alex

From: Vernon Francissen [vern@francissenpatentlaw.com]
Sent: Thursday, April 10, 2008 4:37 PM
To: Louis Alex; Nancy Sasamoto
Cc: Edward Manzo; Jason Smalley; Joel Bock; Steven Katz; Geoff Baker; Bob Karton; Geoff Smith
Subject: MMU v. Miyanos - Miyanos' First Set of Interrogatories.

Dear Louis and Nancy,

Attached is the Miyanos' First Set of Interrogatories. □

In view of our discussions on Tuesday regarding the Motion to Quash the deposition of George Kobayashi, we have propounded Interrogatory No. 1, which is specifically directed towards the information and belief relied upon by George in filing declarations on behalf of MMU in the trademarks in suit. □ This is the written discovery that I believe you proposed as an alternative to the deposition. □

As we discussed, we will consider withdrawing our subpoena of George Kobayashi if we receive sufficient information in response to written discovery. □ Because both sides will continue to brief the motion to quash on the schedule put forward by the magistrate, our expectation is that we will receive an expedited response to the written discovery so that we will have sufficient time to evaluate whether the response is adequate in order to consider withdrawing the subpoena.

Please contact me if you have questions.

Best regards,
Vern

5/20/2008

Exhibit 2



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Chicago, Illinois 60606
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www.cookalex.com
firm@cookalex.com

Louis J. Alex
lalex@cookalex.com

April 22, 2008

VIA Email (Robert@karton.us)

Mr. Robert M. Karton
Robert M. Karton, Ltd.
77 W. Washington St., Suite 900
Chicago, Illinois 60602-2804

Dear Bob:

In accordance with our teleconference this morning with Nancy Sasamoto, I write to confirm the parties agreement that by April 30, Plaintiff MMU will respond to Interrogatory No. 1 of Counterclaimant's First Set of Interrogatories to Miyano Machinery USA, Inc. Further, by May 1, Masuda Funai will produce non-privileged documents, along with a privilege log, in response to the Subpoena directed to George Kobayashi, which you have agreed to narrow to seek only documents relating to the four trademark registrations and one service mark application involved in this litigation. Counsel for the parties advised Magistrate Judge Nan Nolan's law clerk, Allison Engel, by telephone of the foregoing arrangement.

The parties understand the "Motion to Quash or For Entry of Protective Order" filed on March 25, 2008 will be stayed and a ruling, if any, on this Motion will now be postponed until after May 1. Counsel for the parties intend to appear before Magistrate Judge Nolan on May 1 to advise the Court of the status of their efforts to resolve this matter.

Please advise if any of the above is inconsistent with your understanding of this matter. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Louis J. Alex".

Louis J. Alex

Exhibit 3

Louis Alex

From: Robert M. Karton [robert@karton.us]

Sent: Monday, May 05, 2008 9:14 PM

To: Alex, Louis; Sasamoto, Nancy E.; Manzo, Edward D.; Bock, Joel H.; Katz, Steven L.; Kobayashi, George H.

Cc: Baker, Geoffrey; Francissen, Vernon

Subject: Response to Interrogatory #1

We have reviewed your response to our Interrogatory #1 and cannot find anything that was not a matter of public record. More importantly, we cannot find any specific information responsive to the Interrogatory. The Interrogatory is reproduce below:

State in detail the circumstances surrounding any declaration filed on behalf of MMU in the prosecution, application or registration for each of the trademarks in suit including, but not limited to setting forth the specific information and belief(s) relied upon by George Kobayashi in filing any such declaration and identifying the person(s) and/or document (s) that are the source(s) of each such information and belief, and identify the three persons (other than Counterdefendant's counsel of record in this action) most knowledgeable about same.

You have failed to provide any specific information provided to George Kobayashi on which he relied to form his beliefs set forth in the applications; you have failed to identify the person(s) and/or document(s) which were the source of the information; and you have failed to identify anyone, other than Counterdefendant's counsel of record in this action, who are knowledgeable, let alone most knowledgeable, about such information and document(s).

We have acted in good faith in accordance with Judge Nolan's suggestion, a suggestion you endorsed, to seek information concerning the applications directly from MMU rather than from Mr. Kobayashi who signed the applications. Your response seems to make clear that you have no intention of providing that anything more than the conclusions that are already public.

I would appreciate your informing me of a time certain when at least one of you will be available tomorrow between 10 and 11 or between 2 and 4:30 so that we might have a LR 37.2 teleconference and which of you, together with telephone numbers, who will be participating in the teleconference.

Bob

--

Robert M. Karton
Attorney at Law

Robert M. Karton, Ltd.
Suite 900
77 W. Washington Street
Chicago, IL 60602

Telephone (312) 214-0900
Facsimile (815) 301-9114
robert@karton.us

Exhibit 4

Louis Alex

From: Louis Alex [lalex@cookalex.com]
Sent: Tuesday, May 06, 2008 1:09 PM
To: 'robert@karton.us'; 'Sasamoto, Nancy E.'; 'Manzo, Edward D.'; 'Bock, Joel H.'; 'Katz, Steven L.'; 'Kobayashi, George H.'
Cc: 'Baker, Geoffrey'; 'Francissen, Vernon'
Subject: RE: Response to Interrogatory #1

Dear Bob:

We are available at 4 pm to speak with you about any issues you have with our response to Interrogatory No. 1. We are happy to initiate the call to your office. Anyone you wish to add on your side can be done at the time we place our call. Our administrative staff advises us that we can add at least four parties to an ongoing 2 way call.

Please understand that we disagree with your assessment of this situation.

Magistrate Judge Nolan spoke of "very limited interrogatories" that could be served to address this dispute. She also suggested that the parties could be both creative and practical in their approach.

In contrast to what we believe were her recommendations, Interrogatory No. 1, as currently drafted, is remarkably broad, lacks reasonable particularity, and does not even attempt to avoid seeking communications and information that are the subject of the attorney client privilege and work product doctrine. Rather, Interrogatory No. 1, as currently drafted, is directed right at these problematic issues.

As just one example, the Defendants may seek from MMU evidence of MMU's use of the marks at issue in this litigation. You appear to hold the position that such information should be made available to you directly from George Kobayashi, through the specific information and belief which he may have relied on in filing any of the declarations of interest to you.

We do not believe that the relevant case law or Magistrate Nolan's directive supports this view. To the extent you believe we are mistaken, please explain in detail why. We also request that you provide us with at least one case that supports your interpretation of the attorney client privilege in the context of patent or trademark prosecution. We have provided you with case law support for our view but have received nothing in return, despite our requesting and your agreeing to provide this to us. If at all possible, we ask that you provide us with any such authorities before our 4 pm conference call this afternoon in order for that discussion to be more productive.

We believe that relevant, non-privileged information that is responsive to your interests will also be set forth in our responses to the additional interrogatories that you served, many of which are more specific than Interrogatory No. 1. We are working in good faith to provide this information to you and hope to have answers to these interrogatories soon. However, given the volume of information that you are seeking in those interrogatories, answering them is taking more time than previously estimated. Further, while we note that many of the documents relevant to these interrogatories have already been produced, additional documents are forthcoming.

We look forward to speaking with you at 4 pm.

Sincerely,

Louis

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Sent: Monday, May 05, 2008 9:14 PM
To: Alex, Louis; Sasamoto, Nancy E.; Manzo, Edward D.; Bock, Joel H.; Katz, Steven L.; Kobayashi, George H.

5/14/2008

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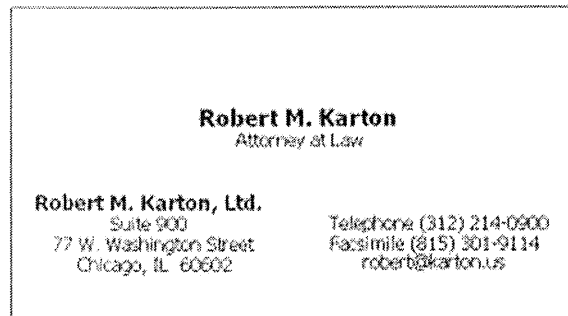
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Bob



5/14/2008